

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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)
In re:) Chapter 11
) Case No. 05-44481 (RDD)
)
DPH HOLDINGS CORP, *et al.*,)
)
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)
DELPHI AUTOMOTIVE SYSTEMS, LLC,)
)
Plaintiff,) Adv. Pro. No. 07-02606 [RDD]
)
)
V.)
)
WILLIAMS ADVANCED MATERIALS INC.,)
)
Defendant.)
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DECLARATION OF RICHARD L. MUGEL IN FURTHER SUPPORT OF (I) THE JOINDER OF WILLIAMS ADVANCED MATERIALS INC. TO MOTIONS (I) TO VACATE PRIOR ORDERS ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS, INCLUDING THOSE COMMENCED BY THE DEBTORS UNDER 11 U.S.C. §§ 541, 544, 545, 547, 548 OR 549, AND EXTENDING THE TIME TO SERVE PROCESS FOR SUCH ADVERSARY PROCEEDINGS, (II) DISMISSING THE ADVERSARY PROCEEDING WITH PREJUDICE, OR (III) IN THE ALTERNATIVE, DISMISSING THE ADVERSARY PROCEEDING ON THE GROUND OF JUDICIAL ESTOPPEL; AND (2) THE REPLY BRIEF IN SUPPORT OF JOINDER OF WILLIAMS ADVANCED MATERIALS INC. TO MOTIONS (I) TO VACATE PRIOR ORDERS ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS, INCLUDING THOSE COMMENCED BY THE DEBTORS UNDER 11 U.S.C. §§ 541, 544, 545, 547, 548, OR 549, AND EXTENDING THE TIME TO SERVE PROCESS FOR SUCH ADVERSARY PROCEEDINGS, (II) DISMISSING THE ADVERSARY PROCEEDING WITH PREJUDICE, OR (III) IN THE ALTERNATIVE, DISMISSING THE ADVERSARY PROCEEDING ON THE GROUND OF JUDICIAL ESTOPPEL (COLLECTIVELY, THE “MOTIONS”)

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

Pursuant to 28 § 1746, Richard L. Mugel, declares as follows:

Background

1. I have been employed by Williams Advanced Materials Inc. (n/k/a Materion Advanced Materials Technologies and Services Inc.) (“Williams”) since June 2008 and am currently its in-house legal counsel.

2. I work at Williams’ executive offices, which are located at 2978 Main Street, Buffalo, New York, 14214. I am familiar with the day-to-day operations and business affairs of Williams.

3. I submit this declaration in further support of Williams’ Motion, and in accordance with the Bankruptcy Court’s direction at the June 21, 2011 hearing.

4. I have personal knowledge of the facts set forth herein, and if I were called to testify, I would and could testify competently concerning those facts.

Lack of Notice of Fourth Extension Motion and Other Pleadings

5. To my knowledge, prior to December 2009, Williams did not receive notice of any filings in this adversary proceeding (the “Adversary Proceeding”).

6. To my knowledge, Williams never received, nor did it have knowledge of, any of the motions seeking the establishment of procedures for the Adversary Proceeding, leave to file the Adversary Proceeding, and/or a stay of the Adversary Proceeding until service of process was effected.

7. To my knowledge, Williams never received, nor did it have knowledge of, the Supplemental Motion Pursuant to Fed. R. Bankr. P. 7004(a) and 9006(b)(1) and Fed. R. Civ. P. 4(m) to Extend Deadline to Serve Process for Avoidance Actions Filed in Connection With Preservation of Estate Claims Procedures Order, dated October 2, 2009 (D.I. #18952) (the “Fourth Extension Motion”). A copy of the affidavit of service (D.I. #18967) with respect to the

Fourth Extension Motion is attached hereto as Exhibit A. Williams is not listed anywhere on that affidavit of service. Nor, to my knowledge, did Williams receive (1) the Fifteenth Supplement Case Management Order (D.I. #18839), dated August 26, 2009, which, I understand, scheduled the omnibus hearing date on which the Fourth Extension Motion was heard or (2) the Order (D.I. #18999), dated October 22, 2009, granting the Fourth Extension Motion.

8. Moreover, at the request of counsel, I have reviewed the following additional affidavits of service and have confirmed that Williams is not listed thereon:

Pleading	Pleading Docket Index Number	Affidavit of Service Index Number
Preservation of Estate Claims Procedures Motion	8905	9039
Preservation of Estate Claims Procedures Motion Order	9105	9141
Extension of Avoidance Action Service Deadline Motion	12922	12970
Extension of Avoidance Action Service Deadline Order	13277	13313
Postconfirmation Extension of Avoidance Action Service Deadline Motion	13361	13415
Postconfirmation Extension of Avoidance Action Service Deadline Order	13484	13540

9. To my knowledge, Williams was not aware of the Adversary Proceeding until it was served with the Summons and the Complaint in or about December of 2009.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

July 12, 2011

/s/ 
Richard L. Mugel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Declaration was served through electronic transmission via the Court's CM/ECF system to all parties who are listed on the Court's Electronic Mail Notice List on this 12th day of July, 2011.

Respectfully submitted,

/s/ Jean R. Robertson

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